REMARKS/ARGUMENTS

The rejections presented in the Office Action dated May 29, 2008 (hereinafter Office Action) have been considered. Claims 1, 2, 5-10, 12-14, 17, 19, 22, 33, 34, 36-39 are pending in the application. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

1.   Claim 40 is rejected based on 35 U.S.C. §101 as being directed to non-statutory subject matter.

Applicants respectfully traverse the rejections, however the rejection is now moot due to the cancellation of Claim 40 without prejudice or disclaimer.

2.   Claims 1, 40 and 41 are rejected based on 35 U.S.C. §112, second paragraph, as being indefinite.

Applicants acknowledge the rejection, and respectfully request withdrawal of the rejection of Claim 1 in light of the present amendment to Claim 1. The rejection of Claims 40 and 41 are now moot in view of the cancellation of Claims 40 and 41 without prejudice or disclaimer

3.   Claims 1-3, 7-10, 12-15, 19-23, 27-29, 31-34 and 38-41 are rejected based on 35 U.S.C. §103(a) as being unpatentable over U.S. Publication No. 2002/0132608 by Shinohara (hereinafter "Shinohara") in view of U.S. Publication No. 2004/0136027 by Zehier et al. (hereinafter "Zehier").

Applicants respectfully traverse the rejections, but in order to facilitate prosecution of the application and in a *bona fide* attempt to advance the application to allowance, the Applicants present this response with amendment.

Using Claim 1 as example, this claim has been amended to set forth that a universal plug and play device descriptor of a multimedia device is obtained via a universal plug and play network. The universal plug and play device descriptor is used to form a user agent profile on a data store accessible via a mobile communications network. The user agent profile describes multimedia capabilities of the multimedia device for purposes of rendering

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multimedia messaging service data. The multimedia messaging service data is received via the mobile communications network. The multimedia messaging service data is formatted via the mobile communications network based on the user agent profile. Claims 14, 22, and 33 have been similarly amended. These amendments are fully supported in the Application as filed and no new matter has been added.

Applicants respectfully submit that the combination of Shinohara and Zehier fail to teach or suggest all of the claim limitations. For example, the combination of references fails to teach or suggest the use of a universal plug and play device descriptor to form a user agent profile usable for formatting multimedia messaging service data. Shinohara shows data stored in an MMS database that indicates processing abilities of a mobile terminals 10_1, 10_2 and terminals 20_1, 20_2 that receive multimedia data from mobile terminals 10_1, 10_2. (Shinohara, ¶¶ 0037-0040). However, Shinohara is silent as to any details of how the mobile terminals 10_1, 10_2 and terminals 20_1, 20_2 exchange data, merely describing the mobile terminals as having interface 76 that "performs transmission and reception of data with external terminals 20_1 - 20_4 " and the external terminals as having interface 81 that "perform connections with mobile telephones 10_1 - 10_4." (Shinohara, ¶¶ 0054-0056).

It is also noted that Shinohara teaches that the MMS user database server stores information regarding data formats that can be received by each mobile telephone and determines whether a multimedia message can be received by a receiving mobile phone based on the format of the multimedia message and the data formats associated with receiving mobile device and determine whether or not to transmit the message. (e.g., Shinohara, Abstract). However, Shinohara does not disclose that the multimedia messaging service data is formatted via the mobile communications network based on the user agent profile and that the user agent profile describes multimedia capabilities of a multimedia device (not the communication device) for purposes of rendering multimedia messaging service data. In contrast, Claims 1, 14, 22, and 33 set forth that the user agent profile is accessible via a mobile communication network and used for purposes of formatting the multimedia data via the mobile communication network. Shinohara does not teach or suggest that a user profile is created on a network-accessible data storage and accessed for

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purposes of formatting multimedia data via a mobile communications network for a multimedia device that is different than the receiving mobile phone.

The Zehler reference fails to cure the deficiencies of Shinohara. Zehler describes "a host-resident listener that receives advertisements of services offered by peripheral devices and then creates a proxy for each of these devices. (Zehler, ¶ 0035). Zehler describes "pooling" services to form enhanced functionalities, (e.g., Zehler, ¶ 0029) and further describes that a non-UPnP service can be combined with the UPnP service within the host 12 that is acting as the proxy (e.g., Zehler, ¶ 0033). However, Zehler is silent on modifying a profile of an existing device so that the device can use its own resident capability (e.g., the capability to process multimedia messaging service data) and extend that capability to interact with a target multimedia device on UPnP network. The proxy host 12 described in Zehler is not described as having its own services; it merely a proxy for other services such as device service 24.

The combination of Shinohara and Zehier fails to teach or suggest the use of UPnP device descriptors to form user agent profiles that are accessed by a separate entity for formatting multimedia messaging data. As previously recognized, Shinohara is silent as to any UPnP device descriptors or equivalents. Zehier describes "transform[ing] the description 28 obtained from the device into a form usable in the environment common to the client and the host and makes the usable form available." (Zehier, ¶ 0028). However, this suggests transforming between two service discovery protocols, and does not suggest using a service description to form a device capabilities profile which is external to the UPnP network (e.g., data store accessible via a mobile communications network).

For at least the above reasons, the combination of Shinohara and Zehier fails to render Claims 1, 14, 22, and 33 obvious, and therefore these claims are allowable over the combination of references. The rejection of dependent Claims 3, 15, 23, 27-29, 31, and 32 are now moot due to the cancellation of these claims without prejudice or disclaimer. Without acquiescing to the rejection of dependent Claims 2, 7-10, 12-13, 19-21, and 39 or the reasons therefore, these claims depend respectively from Claims 1, 14, and 33 and so for at least this reason are also allowable over the combination of Shinohara and Zehier. "If an

independent claim is nonobvious under 35 U.S.C. §103, then any claim depending

therefrom is nonobvious." M.P.E.P. §2143.03; citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d

1596 (Fed. Cir. 1988).

4.   Claims 4-6, 16-18, 24-26 and 35-37 are rejected based on 35 U.S.C. §103(a) as being unpatentable over Shinohara-Zehier as applied above in view of U.S. Publication No. 2002/0114278 by Coussement (hereinafter "Coussement").

Applicants respectfully traverse the rejections. Regarding the rejection of Claims 4,

16, 18, 24-26, and 35, these rejections are now moot in view of the cancellation of these

claims without prejudice or disclaimer. Some features of cancelled Claims 4, 16, 24, and 35

are now included in independent Claims 1, 14, 22, 33, 40, and 41. Regarding the

Coussement reference, paragraph 0021 of Coussement describes the composite capability

preference profiling (CC/PP), but there is no teaching or suggestion of the formation of user

agent profile data based on gathering UPnP device descriptors for non-terminal resident

devices. Coussement only describes the "taking an inventory of a terminal" for forming the

profile, and does not teach or suggest using universal plug and play descriptors for this

purpose. Thus the combination of Shinohara, Zehier, and Coussement fail to teach or

suggest all of the features of cancelled Claims 4, 16, 24, and 35 that may now be included in

independent Claims 1, 14, 22, 33, 40, and 41.

Regarding the rejection of Claims 5, 6, 17, 36, and 37, Applicants submit that these

claims are allowable over the combination of Shinohara, Zehier, and Coussement for the

reasons given above regarding independent Claims 1, 14, and 33. Without acquiescing to

any characterizations of Claims 5, 6, 17, 36, and 3 or the cited art, these claims depend from

Claims 1, 14, and 33, respectively. Coussement does not cure the deficiencies of Shinohara

and Zehier as applied to independent Claims 1, 14, and 33. The combination of Shinohara,

Zehier, and Coussement at least fails to teach or suggest the use of universal plug and play

device descriptors to form user agent profiles that are accessed by a separate entity for

formatting multimedia messaging data. As a result, Claims 5, 6, 17, 36, and 37 are

allowable over this combination of references.

Authorization is given to charge Deposit Account No. 50-3581 (NOKM.095PA) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the undersigned attorney of record invites the Examiner to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

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